

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

JANUARY 13, 2011

The rescheduled meeting of the Public Safety and Legal Administration Committee was held on **January 13, 2011 at 3:37 p.m., in Committee Room #2.**

The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Alex Wan
The Honorable Joyce Sheperd
The Honorable Keisha Lance Bottoms**

Others present at the meeting were: Deputy City Attorney Jerry Deloach, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss and Shawn Jones, Police Department; DeMarcus Peters, English Avenue Office of Weed and Seed; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:37 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD ONE
RESOLUTION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ELECTION OF VICE-CHAIR - Councilmember C. T. Martin made a
motion to elect Councilmember Michael J. Bond as Vice-Chair. The
vote was unanimous**

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CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 11-R-0035 (1) Claim of **Timmela Reed, through her attorney, Steven Fair, Esq., Kenneth S. Nugent, P. C. (APD/03)**, for bodily injuries alleged to have been sustained from an automobile accident on November 3, 2009 at Lee Street, SW and Donnelly Avenue, SW. **\$19,500.00**
- 11-R-0036 (2) Claim of **Joel Murovitz (DWM/02)**, for property damages alleged to have been sustained from a sewer overflow on September 21, 2009 at 940 Austin Avenue, SE. **\$11,768.40**
- 11-R-0037 (3) Claim of **Yvette Walters-Harrison, through her attorney, C. F. Spence (APD/05)**, for damages alleged to have been sustained as a result of an automobile accident on August 21, 2010 at I 20 WB at Moreland Avenue, SE. **\$8,000.00**
(1 ABSTENTION) Lance Bottoms
- 11-R-0038 (4) Claim of **William Autry, through his attorney, Jonathan P. Schopp (DWM/08)**, for damages alleged to have been sustained as a result of an automobile accident on July 14, 2010 at University Avenue, SW and Windsor Street, SW. **\$6,000.00**
- 11-R-0039 (5) Claim of **State Farm Insurance Companies, as subrogee of Akia Stegall, through its attorney, Ronald W. Parnell (DPW/04)**, for damages alleged to have been sustained as a result of an automobile accident on April 16, 2010 at Atwood Street and Beecher Street. **\$4,633.50**
- 11-R-0040 (6) Claim of **Yolanda Wilson, as parent and guardian of Yasmine Ivory, minor child, through their attorney, Nkosi J. Bey (DWM/04)**, for damages alleged to have been sustained as a result of an automobile accident on May 17, 2010 at 938 Sims Street, SW. **\$3,500.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0041 (7) Claim of **Yolanda Wilson, through her attorney, Nkosi J. Bey (DWM/04)**, for damages alleged to have been sustained as a result of an automobile accident on May 17, 2010 at 938 Sims Street, SW. **\$3,500.00**
- 11-R-0042 (8) Claim of **USAA, as subrogee of Nicole Lechene (APD/07)**, for damages alleged to have been sustained as a result of a vehicular accident on June 15, 2010 at Buford Highway at Lenox Road. **\$2,543.58**
- 11-R-0043 (9) Claim of **Shawneequa McCall, through her attorney, Nkosi J. Bey (DWM/04)**, for damages alleged to have been sustained as a result of an automobile accident on May 17, 2010 at 938 Sims Street, SW. **\$2,000.00**
- 11-R-0044 (10) Claim of **Elizabeth B. Clarke (DPW/06)**, for damages alleged to have been sustained as a result of an automobile accident on September 7, 2010 at 145 Barksdale Drive, NE. **\$1,242.12**
- 11-R-0045 (11) Claim of **Shannon and Kevin O'Donnell (DWM/08)**, for damages alleged to have been sustained to their irrigation system during the installation of a cleanout on September 29, 2010 a 2644 Dellwood Drive. **\$1,200.00**
- 11-R-0046 (12) Claim of **Rhonda McKinney (DWM/09)**, for damages alleged to have been sustained as a result of a vehicular accident on August 16, 2010 at Martin Luther King, Jr. Drive at Capital Avenue. **\$1,156.22**
- 11-R-0047 (13) Claim of **Progressive Insurance Company, as subrogee of Michael Campbell (DWM/06)**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on September 13, 2010 at 1750 Johnson Road. **\$958.25**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0048 (14) Claim of **Nita Hedreen (DPRCA/01)**, for damages alleged to have been sustained as a result of a chair rack falling onto her vehicle on August 10, 2010 at 478 Boulevard. **\$773.40**
- 11-R-0049 (15) Claim of **Bobby Lewis and Do It All (DPW/03)**, for damages alleged to have been sustained as a result of driving over a pothole on February 13, 2010 at 118 West Lake Avenue. **\$720.00**
- 11-R-0050 (16) Claim of **Shawneequa McCall, as parent and guardian of Mackenzie Nicholson, minor child, through their attorney, Nkosi J. Bey (DWM/04)**, for damages alleged to have been sustained as a result of an automobile accident on May 17, 2010 at 938 Sims Street, SW. **\$600.00**
- 11-R-0051 (17) Claim of **Carolyn Childs (DPW/04)**, for vehicle damages alleged to have been sustained as a result of driving over a pothole on August 16, 2010 at University Avenue at Sims Street. **\$558.75**

Claims with unfavorable recommendations:

- 11-R-0052 (18) Claim of **Anthony Davis, through his attorney, Ben F. Windham (DWM/05)**, for damages alleged to have been sustained as a result of a series of backups between December 2007 and November 2009 at 169 Woodbine Circle, SE.
- 11-R-0053 (19) Claim of **Mark Layfield (APD/02)**, for damages alleged to have been sustained as a result of his vehicle being impounded on August 6, 2010 at 1205 Atlantic Drive.
- 11-R-0054 (20) Claim of **GEICO Direct, as subrogee of Jacquelyn Foley (DPRCA/01)**, for property damages alleged to have been sustained when a tree limb fell on a parked vehicle on July 19, 2010 at 537 Park Avenue, SE and Grant Park, SE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0055 (21) Claim of **Yvonne Moses, through her attorney, James E. Lee, II, P. C. (DOA/NA)**, for bodily injuries alleged to have been sustained due to a fall on a liquid substance on September 12, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0056 (22) Claim of **Baganda Morgan (NA/11)**, for damages alleged to have been sustained as a result of a trip and fall in a private irrigation valve box on August 12, 2010 at 1212 Utoy Springs Road, SW.
- 11-R-0057 (23) Claim of **Cory and Alan Begner (DWM/NA)**, for damages alleged to have been sustained as a result of a water service account dispute between September 2009 and October 2010 at 540 Forest Hills Drive, NE, Sandy Springs.
- 11-R-0058 (24) Claim of **Imagine Wesley International Academy, through its attorney, Mary Jo Kuusela (AFR/01)**, for damages alleged to have been sustained as a result of an emergency response on January 10, 2010 at 1049 Custer Avenue.
- 11-R-0059 (25) Claim of **Kameelah Sheffield (DPW/01)**, for damages alleged to have been sustained during a sanitation pick up on September 8, 2010 at 720 Ira Street.
- 11-R-0060 (26) Claim of **Hyacinth Lawrence, through her attorney, Laquisha S. Malachi, Esq. (DOA/NA)**, for bodily injuries alleged to have been sustained due to a slip and fall on a liquid substance on February 27, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0061 (27) Claim of **GEICO, as subrogee of Trifhenia White (DWM/02)**, for vehicular damages alleged to have been sustained from an automobile accident on October 9, 2010 at 1605 Peachtree Street.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0062 (28) Claim of **Delilah Brownrigg, through her attorney, Randy Scott Slater, Esq. (DOA/NA)**, for bodily injuries alleged to have been sustained due to a fall in a restroom on August 8, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0063 (29) Claim of **Foremost Insurance Group, as subrogee of William Prescott, Jr. (APD/01)**, for property damages alleged to have been sustained from an automobile accident on May 15, 2010 at I-20 westbound and Moreland Avenue, SE.
- 11-R-0064 (30) Claim of **Darren A. Shuler (DWM/07)**, for damages alleged to have been sustained as a result of storm water overflow on April 2, 2009 at 215 Alberta Drive.
- 11-R-0065 (31) Claim of **Timothy Powers, through his attorney, Clarence R. Johnson, Jr. (APD/05)**, for damages alleged to have been sustained during an arrest on April 13, 2010 at 324 Edgewood Avenue.
- 11-R-0066 (32) Claim of **Jay and Audrey Morrison, through their attorney, Stephen D. Morrison, Jr. (APD/08)**, for damages alleged to have been sustained during an arrest on August 6, 2010 at 135 W. Wieuca Road, NW.
- 11-R-0067 (33) Claim of **L. Charis Harris (DWM/02)**, for damages alleged to have been sustained as a result of an automobile accident on April 10, 2010 at 196 Trinity Avenue, SW.
- 11-R-0068 (34) Claim of **Willie Lane, on behalf of Albert Lane, a minor, through his attorney, Reynolds E. Pitts, Jr. (NA/09)**, for damages alleged to have been sustained as a result of a personal injury incident on August 16, 2010 at 2250 Perry Boulevard at Benjamin E. Mays High School.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0069 (35) Claim of **Doris Jones (APD/12)**, for damages alleged to have been sustained as a result of a police shooting incident on May 20, 2010 at 2795 Jonesboro Road.
- 11-R-0070 (36) Claim of **Cindy Karas (DWM/NA)**, for damages alleged to have been sustained as a result of a water main break on September 23, 2010 at 500 Fountain Oaks Way, NE, Fulton County.
- 11-R-0071 (37) Claim of **Arcadrienne Jackson (DPW/12)**, for damages alleged to have been sustained as a result of a trip and fall in a hole on the sidewalk on March 2, 2010 at 70 Claire Drive.
- 11-R-0072 (38) Claim of **Steven Bernard Johnson, through his attorney, Arlene F. Baker**, for damages alleged to have been sustained during an arrest on August 12, 2009 at Moury Avenue, SW and Thirkeld Avenue, SW.
(Councilmember Sheperd made a motion to approve. Councilmember Lance Bottoms absent on Item D3)

FAVORABLE

REGULAR

E. ORDINANCES FOR SECOND READING

- 10-O-2144 (1) An Ordinance by Public Safety and Legal Administration Committee to amend the FY 2011 (Intergovernmental Grant Fund) Budget, Executive Offices, Mayor's Office of Weed and Seed, by adding to anticipations and appropriations a grant award in the amount of \$157,000.00 from the U. S. Department of Justice Community Capacity Development Office and \$125,000.00 from the City of Atlanta, from a total of \$282,000.00 for the continuation of the Weed and Seed Strategy in the English Avenue Community; and for other purposes.
(Councilmember Young made a motion to approve on condition.)
FAVORABLE ON CONDITION

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ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-0075 (2) An Ordinance by Councilmember Cleta Winslow to correct Ordinance Number 10-O-1237 which authorized the acceptance of a \$39,494.00 Grant for Gun Violence Prevention, but which inadvertently anticipated and appropriated the grant funds to the incorrect account strings, and inadvertently utilized incorrect account strings for the Grant matching funds of \$4,388.00; and to provide the correct account strings as set forth below; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

F. RESOLUTIONS

- 11-R-0073 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Kenneth Knighton v. City of Atlanta, Georgia, Civil Action File No. 2008-EV-003820, Fulton State Court, in the amount of \$84,200.00; authorizing said payment to be paid from Fund, Department, Account and Functional Activity listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 11-R-0092 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of State Farm Mutual Automobile Insurance Company a/s/o Joey Nelson v. The City of Atlanta, Civil Action File No. 10EV11114-J, in the amount of \$9,627.96; authorizing said payment to be charged to and paid from Fund, Account, Center Number and Functional Activity listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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F. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. (Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**
- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**
- 10-R-0855 (5) Claim of Ron Tusso, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review.)**
- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1809 (9) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review.)**
- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-R-1928 (12) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into an Agreement with 1-800-Board-Up for the purpose of securing structures and protecting valuables of fire victims and other disastrous incidents to residential properties within the City of Atlanta on behalf of the Department of Fire Rescue; and other purposes. **(Held 11/9/10 for further review.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-2228 (13) An Ordinance by Councilmember H. Lamar Willis amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.)**

G. FOLLOW-UP ITEMS

1. Councilmember Adrean made a request that the Committee hear from Risk Management regarding analyzing self-insurance versus purchasing insurance.
2. Councilmember Young made a request to the committee members to submit to his office specific goals and objectives they would like the committee to address during the year 2011.

H. ITEM NOT ON THE AGENDA

RESOLUTION


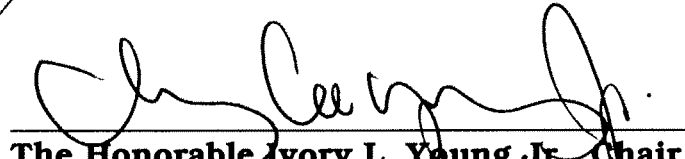
- 11-R-0097 (1) A Resolution by Public Safety and Legal Administration
*** Committee amending Resolution Number 10-R-2014 so as to correct the amount of damages contained in said Resolution from \$4,013.51 to \$9,000.00 in the settlement of the claim of Michael E. Pye through his attorney, C. F. Spence, Esq., Foy & Associates against the City of Atlanta; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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There being no further business to come before the Committee, the meeting was adjourned at 4:19 p.m.

Respectfully Submitted:


**Fredrica Cooper
Legislative Assistant**
**Bernard Thomas
Research and Policy Analyst**
**The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee**